

ATTACHMENT 12

2337647-Kevin Almeroth-1(rough).TXT

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2 uncertified and may contain untranslated
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12 This uncertified realtime rough draft version has
13 not been reviewed or edited by the certified
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3 Exhibit 1538 Opening Expert Report of Kevin
4 Almeroth Regarding Copying

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6 Exhibit 1539 Rebuttal Expert Report of Kevin
7 Almeroth

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9 Exhibit 1540 Expert Report of John R. Black, Jr.

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11 Exhibit 1541 Handwritten document

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San Francisco, California

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Tuesday, June 28, 2016

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8:34 a.m.

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P R O C E E D I N G S
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6 THE VIDEO OPERATOR: Good morning. We're
7 on the record. The time is 8:34 a.m., and the date
8 is June 28th, 2016. This begins the videotaped
9 deposition of Dr. Kevin Almeroth.

10 My name is Sean Grant, here with our court
11 reporter, Carla Soares. We're here from Veritext
12 Legal Solutions at the request of counsel for
13 defendant.

14 This deposition is being held at Keker &
15 Van Nest LLP in San Francisco, California. The
16 caption of this case is Cisco Systems, Inc., versus
17 Arista Networks, Inc., Case No. 5:14-cv-05344-BLF.

18 Please note that audio- and
19 video-recording will take place unless all parties
20 have agreed to go off the record. Microphones are
21 sensitive and may pick up whispers, private
22 conversations, or cellular interference.

23 At this time, will counsel please identify
24 themselves and state whom they represent.

25 MR. HOLMES: Drew Holmes on behalf of

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1 Cisco as well as the witness from Quinn Emanuel.

2 MS. MCCLOSKEY: David Silbert, Keker & Van
3 Nest, on behalf of defendant Arista.

4 MR. WONG: Ryan Wong of Keker & Van Nest
5 on behalf of Arista.

6 THE VIDEO OPERATOR: And also present?

7 MR. BLACK: I'm John Black. I'm an expert
8 witness for Arista.

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20 characteristics of what those modes include, their
21 functionality and their role.

22 And I think if you compare that to what's
23 described on page 18 through 20, so, for example,
24 after paragraph 62 that talks about what those modes
25 are, how the modes can be used, that's at least part

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1 of the concept of defining what the modes are that
2 have been copied.

3 I'm not sure how to describe it any other
4 way than it's the modes and the prompts.

5 Q Okay. Looking at -- well, in any of these
6 places where you show the prompts, maybe the easiest
7 place is in your Exhibit 4, the prompt you list is
8 router angle bracket, right, for -- I'm looking on
9 page 1. And then the prompt for the -- what you
10 call the identical or similar Arista prompt is
11 switch angle bracket, right?

12 A That's what I've identified as the -- as
13 an example.

14 Q Okay. That's just an example.

15 A Well, it's generally, for example, what
16 the host name would be, the convention is you can
17 include what the host name would be as part of
18 identifying what the prompt is. And that's in the
19 context of also using both the angle bracket, and
20 also the hash key to distinguish between which mode
21 you're in, and then as well as the use of the
22 parenthetical for config, and then also whether it's

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23 config, and then dash, and then the description or
24 name of the interface.
25 And so it's that concept of the prompts

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1 and the use of the prompts to distinguish between
2 the other modes. And what's specifically being
3 copied is that -- is that prompt itself.

4 Q And just looking at the prompts on page 1
5 where it says router and switch, I think you said
6 this, but in actual operation, the prompt that the
7 user sees, it wouldn't say switch angle bracket,
8 right? It would be -- in normal operation, the user
9 would see whatever name the user actually assigned
10 to that particular switch to name it, right? And
11 then an angle bracket?

12 A It could be. So if you had two -- two
13 devices that had the same name, they would be the
14 identical prompt.

15 Q You mean a Cisco device and an Arista
16 device?

17 A Correct.

18 Q But if a person named the devices, had two
19 switches in their network and named them
20 differently, then they would see the name of the
21 Cisco device, switch number 37, angle bracket, and
22 then they'd see the name of the Arista device,
23 switch number 82, angle bracket, right?

24 A So the convention would be the same, but
25 the name might be different. And you would still

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24 for reminding me, I'd like to designate this
25 transcript as highly confidential, outside counsel
only.

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